



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:lc
Docket No: 5998-99
19 January 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 15 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
15 Nov 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF LANCE CORPORAL [REDACTED]

[REDACTED] FORMER MARINE

1. [REDACTED], a former Marine states that she was to be promoted to the rank of Corporal before being discharged from the Marine Corps on 10 January 1997; however she was denied promotion two weeks prior to her promotion date without an explanation. She requests that her DD Form 214 be corrected to show she was separated from the Marine Corps at the rank of corporal vice lance corporal.

2. After careful review of Lance [REDACTED] official Military Personnel File (OMPF), and the information evident in the Marine Corps Total Force System (MCTFS), it has been determined that [REDACTED] was not eligible for promotion to corporal prior to her discharge from the Marine Corps. Her Military Occupational Specialty (MOS) of 4341 was closed for promotion for 1 January 1997. It was also found that Lance [REDACTED] received nonjudicial punishment (NJP) on 7 January 1997 for Violation of Article 86, UCMJ and signed a page 11 entry dated 9 January 1997 for her nonrecommendation for reenlistment due to being administratively separated from the Marine Corps due to a personality disorder. Subsequent to the NJP, she was involuntarily discharged from the Marine Corps at the highest rank she held, a lance corporal.

3. Recommend her request be denied.

Richard B. Fitzwater
RICHARD B. FITZWATER

Assistant Head, Enlisted Promotions
Promotion Branch

By direction of
the Commandant of the Marine Corps